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Our Ref: 54208PCT KMC:PFB

17 March 2005

THE COMMISSIONER OF PATENTS
WODEN ACT 2606

Madam

**RE: PCT Patent Application No. PCT/AU03/001692
POSITION COMMUNICATION METHOD AND APPARATUS
MICHAEL LESLIE NORMAN**

We thank the Examiner for the First Written Opinion on the abovementioned PCT Patent Application.

The Examiner cites documents D1, being US 6427077 as anticipating the claims of the instant application.

D1 is directed toward the specification and enforcement of a "fix generation rate in a satellite positioning system enabled cellular handset" (D1, Column 1, line 67 – Column 2, line 1). Based on a complex set of criteria this system calculates the required "fix generation rate" and satellite fixes are made and transmitted at that rate. In contrast in the instant invention, it is at the heart of the invention that the transmission of geographic position data occurs only at the close of a user initiated device transmission session. Accordingly D1 does not disclose "means adapted upon an initiation of a closed voice transmission from said apparatus to effect transmission of data". D1 is directed at the problem of saving the power resources of the transmitter, while the instant invention is directed to solving the problem of conserving the actual transmission and reception means resources of the system.

Document D2 is also concerned with transferring GPS data in a cellular mobile network. It addresses the problem of transmitting raw GPS data from a mobile unit to a fixed base station. Again it does not include any disclosure of piggybacking this information upon a user initiated voice transmission. It does not disclose a "means adapted upon initiation of a close of a voice transmission from said apparatus to effect transmission of data arising from the position determination means".

D3 refers to a method or system for connecting suppliers with prospective customers. While it includes reference to mobile devices it again it does not include disclosure of the transmission of data at the close of a voice transmission.

D4 again discloses a method of position determination in a cellular telephone network. It is again directed to the problem of conserving the power resources of the mobile handset. It does not disclose the piggybacking of

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the signal onto the user initiated voice transmission. Positioning and transmission of this positioning data are disclosed as being on request not associated with the use of the unit by voice transmission.

Cited document D5 simply discloses an extremely general description of a system for transmitting, from a mobile station, "environmental" data in combination with position indicating information. There is no disclosure of the necessity for a voice transmission let alone the piggybacking of the data onto a voice transmission.

The cited document D6 discloses a system for giving directions to a mobile unit in order to allow that unit to be directed to the location of a fixed unit. It specifically teaches away from the concept of using the voice transmission path for data communication requiring in claim 1 "a data communications (path) different from said voice communications path".

The documents cited as D7 does not include a mobile unit nor a global positioning system apparatus. We contend it would not be considered to be relevant by persons skilled in the art to the problem of the location of a mobile wireless unit.

The document cited as D8 discloses the use of an otherwise conventional cellular telephone apparatus in an emergency situation with the addition of the ability to transmit position information. It does not disclose "means adapted upon an initiation of a close of a voice transmission from said apparatus to effect transmission of data arising from the position determination means".

The combination of a mobile handset and the transmission of global positioning system information is disclosed in the cited documents. However that is not the source of the novelty of the instant application. It is the detection of the closing of a user established voice channel and the transmission of position data on this link before it is closed, that is the heart of the instant invention. This is not disclosed in any of the cited documents.

We trust that the above information is sufficient to overcome the Examiner's objections and we look forward to the issuing of a clear International Preliminary Examination Report.

Yours faithfully
COLLISON & CO

KEVIN MCNAMARA